

**CGSC  
MG**

**MILITARY  
GOVERNMENT**



**LIBRARY  
ARMY WAR COLLEGE  
CARLISLE BARRACKS, PA.**

This text is approved for resident and extension-course instruction at The Command and General Staff College only. It reflects the current thought of this College and conforms to printed Department of the Army doctrine as closely as possible. Development and progress render such doctrine continuously subject to change.

**COMMAND AND GENERAL STAFF COLLEGE  
Fort Leavenworth, Kansas  
1 July 1949**

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE <b>01 JUN 1949</b>		2. REPORT TYPE		3. DATES COVERED <b>00-00-1949 to 00-00-1949</b>	
4. TITLE AND SUBTITLE <b>Military Government</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>Army Command and General Staff College, 100 Stimson Ave, Fort Leavenworth, KS, 66027</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT <b>Same as Report (SAR)</b>	18. NUMBER OF PAGES <b>52</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			

CGSC  
MG

**COMMAND AND GENERAL STAFF COLLEGE**  
**Fort Leavenworth, Kansas**

1 July 1949

**FOREWORD**

This manual is a restatement of the principles, policies, and functions of military government. It conforms substantially to the subject matter of Field Manual 27-5, *Civil Affairs/Military Government*.

Teaching experience at the Command and General Staff College has demonstrated the need for a military government text which brings together all pertinent data concerning each military government function and which sets forth in uniform style the part played by each element of the Army in performing each military government function.

BY DIRECTION OF THE ASSISTANT COMMANDANT:

**E. C. BERGQUIST**  
Colonel, Infantry  
Secretary

## CONTENTS

SECTION	Paragraphs
I. GENERAL	
Purpose, scope, and definitions .....	1
Authority for establishment .....	2
Command responsibility .....	3
Reason for establishment .....	4
Degree of control exercised by occupying force .....	5
Reciprocal responsibilities of occupying force and in- habitants of occupied territory .....	6
Period of control .....	7
Mission, principles, and policies .....	8
II. MILITARY GOVERNMENT RESPONSIBILITIES	
Probable political, economic, and social conditions exist- ing in occupied territories .....	9
Division of military government functions within each command .....	10
III. ORGANIZATION AND OPERATIONS	
General .....	11
Military agencies .....	12
Organization and control .....	13
Military government staff section .....	14
Military government units .....	15
IV. MILITARY GOVERNMENT PLANS	
Responsibility for plans .....	16
Basis for planning .....	17
V. MILITARY GOVERNMENT FUNCTIONS	
General .....	18
Maintenance of law and order .....	19
Political government and administration .....	20
Establishment of courts and administration of law .....	21
Public finance .....	22
Civilian protection .....	23
Public health and sanitation .....	24
Public welfare .....	25
Disposition of refugees and displaced persons .....	26
Education .....	27
Civil information .....	28
Labor .....	29
Custody and administration of property .....	30
Currency and banking .....	31
Commerce and trade .....	32
Control of commodities, prices, and rationing .....	33
Civilian supply .....	34
Food industries .....	35
Industry and manufacture .....	36
Civilian transportation, civilian communications, and public utilities .....	37
Fine arts, monuments, and archives .....	38

# MILITARY GOVERNMENT

	Paragraphs
VI. PERSONNEL	
Planning and procurement .....	39
Types and qualifications .....	40
Special training .....	41
VII. PROCLAMATIONS, ORDINANCES, ORDERS, AND INSTRUCTIONS	
Initial proclamations .....	42
Subsequent proclamations and ordinances .....	43
Orders and instructions to local civilian officials .....	44
VIII. MILITARY TRIBUNALS	
General .....	45
Types of military tribunals .....	46

## APPENDIX 1. Outline of military government plan

## Section I

### GENERAL

1. PURPOSE, SCOPE, AND DEFINITIONS.—*a. Purpose and scope.*—(1) Military commanders find it necessary to control civil administration of occupied areas during a war, and international law requires such supervision for the protection of the civilian inhabitants.

(2) This manual states the principles followed by the Department of the Army, the Department of the Navy, the Department of the Air Force, and their subordinate agencies in planning and exercising control of civilian administration by military government or other means in territory under the jurisdiction and control of the armed forces of the United States.

(3) The principles laid down in this manual are followed in planning by the Departments of the Army, Navy, and Air Force, and their subordinate agencies. Theater and subordinate commanders are authorized to make necessary minor exceptions to the policies and procedures stated in order to integrate the plan for military government into the plan of military operations.

(4) War Department Field Manual 27-10, *Rules of Land Warfare*, prescribes the obligations of commanders under international law and the conditions to be observed when dealing with persons and property in occupied and liberated territory.

*b. Definitions.*—(1) Military government includes all powers and responsibilities exercised by a military commander in an occupied territory over the government, the inhabitants, and the lands and properties thereof. The occupied territory may be in an enemy or allied country, or may be domestic territory which has been dominated or occupied by an enemy, which is threatened by an enemy, or which is recovered from rebels recognized as belligerents.

(2) Theater commanders or high authority determine and announce the type and conditions under which occupied territories are governed. Depending on the end to be achieved two types of government are recognized by the United States Government:

(a) Military government.—Military government is the supreme authority exercised by an armed occupying force over the lands, properties, and inhabitants of an enemy, allied, or domestic territory. It is established where the occupied territory has no recognized national government and the occupying force exercises supreme control. Military government is exercised when an armed force has occupied such territory, whether by force or agreement, and has substituted its authority for that of the sovereign or previous government. The right of control passes to the occupying

force limited only by the rules of international law and established customs of war.

(b) Civil affairs.—Civil affairs is applied to a less absolute form of military government. It is the military control exercised over enemy, allied, or domestic territory through a recognized indigenous government whose authority is independent of the occupying forces but which is supported by the occupying forces. The measures applied by the occupying forces are those agreed to with the indigenous government, whose authority is always recognized.

The agreements between the United States Government and the recognized government of occupied territory may include:

(i) The military assistance in the form of military supplies and services which each government will furnish to the other.

(ii) The authority for arrest of troops by the civilian police and of civilians by US military personnel.

(iii) The payment of taxes by US troops to the civilian government, e.g., sales taxes.

(iv) Responsibility for payment of claims by civilians for damages to property by US military personnel.

(v) Procurement of local civilian supplies, facilities and services by the US forces.

(vi) The currency to be used by US troops and the rate of exchange with the currency of the occupied country.

The right of the occupying forces to take direct emergency measures is always reserved.

(3) Occupied territory.—Occupied territory is any area in which military government is exercised by an occupying armed force. It does not include territory in which an armed force is located but has not assumed authority over the civil government.

(4) Liberated territory.—Liberated territory is occupied territory (United States or allied) which has been recovered by action of an armed occupying force from enemy occupation or from rebels treated as belligerents.

2. AUTHORITY FOR ESTABLISHMENT.—The rules of international law and the established customs of war provide the authority for the control by military government and such control is exercised in accordance therewith. The exercise of such control is assumed upon the occupation of an area by force or agreement. The rules of land warfare which govern the armed forces of the United States are set forth in War Department Field Manual 27-10 and War Department Technical Manual 27-251.

3. COMMAND RESPONSIBILITY.—The theater commander bears full responsibility for military government; therefore, he is usually designated as military governor or civil affairs administrator, but is authorized to dele-

gate his authority and title, in whole or in part, to a subordinate commander. He has all the powers granted by international law and the customs of war (FM 27-10), and all powers delegated to him by the Executive Branch of the United States Government.

4. REASON FOR ESTABLISHMENT.—*a.* The reasons for the establishment of military government are either military necessity as a right, or the obligation imposed by international law, or obligations incurred by a treaty or other agreement with the government or combination of governments having jurisdiction.

*b.* International law requires that the commander must take all possible measures to restore and maintain public order and safety when an armed force occupies enemy territory, thus suspending the authority of the sovereign government, or when in occupied territory, a friendly government is absent or unable to function properly.

*c.* Military government is not confined to a belligerent occupation. Under international law and the United States Constitution, it is recognized that military necessity may require establishment of military government in the following cases with or without consent of the existing or prior government in the territory concerned:

(1) Allied or United States territory which has been dominated or occupied, or is threatened by an enemy.

(2) United States territory recovered from rebels treated as belligerents.

5. DEGREE OF CONTROL EXERCISED BY OCCUPYING FORCE.—*a.* In forward combat areas and during early periods of occupation strict control must be exercised over civilian population. In rear areas, as a suitable civil government is established, less strict controls are required and more authority can be delegated to civilian officials.

*b.* The extent of control exercised varies with—

(1) The favorable or adverse effect that the local population can have on military operations.

(2) The capability of the local civil government to control the civilian population.

(3) The terms of any agreement made with any recognized government having authority over the area, e.g., a provisional government.

6. RECIPROCAL RESPONSIBILITIES OF OCCUPYING FORCE AND INHABITANTS OF OCCUPIED TERRITORY.—*a.* The occupier has the right as limited by international law and established custom to demand and enforce from the inhabitants of the occupied area the obedience necessary to achieve the following:

(1) The security of his forces, and accomplishment of the objectives of war.

(2) The maintenance of law and order.

(3) The administration of the area.

b. In return for such obedience the inhabitants should be granted freedom from all unnecessary or unwarranted interference with their individual liberty and property rights.

7. PERIOD OF CONTROL.—As long as occupation continues, some degree of control is necessary. Military government may continue after the cessation of combat operations until it achieves the over-all objectives toward which the combat operations were directed.

8. MISSION, PRINCIPLES, AND POLICIES.—a. *Mission*.—The mission of the theater commander in exercising his authority as military governor is—

(1) To assist military operations (primary mission during combat).

(2) To assist in fulfilling the obligations, imposed upon him under international law and the customs of warfare, to the civilian population.

(3) To further national policies (primary mission after combat).

b. *Principles*.—(1) Military necessity.—The primary consideration underlying military government activities during combat is military necessity—doing those things which are necessary to accomplish the combat mission.

(2) Supremacy of the commanding officer.—The theater commander has delegated to him by his own government full responsibility for military government to enable him to accomplish his mission.

(3) Personnel assigned to military government duties.—Commands having area responsibility have special staff sections composed of military government officers who prepare plans for, advise commanders and staffs concerning, and perform staff supervision of military government units.

Attached to combat units and administrative commands having area responsibility are military government units, which supervise civil government administration, civilian commercial activities, and civilian service organizations. These units do not duplicate the functions of other military units, but rely on administrative and technical services for appropriate assistance.

(4) Flexibility of plan.—Military government plans must be sufficiently flexible to facilitate the utilization of existing governments and of as many civilian services as possible.

(5) Continuity of plan and personnel.—Efficient control of civilians in any community requires continuity of control by the same person-

nel and a minimum of change in policies once they are promulgated. Vacillating policies injure the prestige of the occupying forces.

*c. Policies.*—(1) Treatment of population.—(a) International law requires, and sound policy dictates, just and reasonable treatment of inhabitants of occupied territory. Such treatment encourages the support of the occupier by the inhabitants, reduces the effort required to maintain law and order, and gains support for national policies. This policy does not prohibit necessary punitive measures; it only forbids unnecessarily harsh measures which would only defeat the aims of the commander. Military necessity dictates that the welfare of inhabitants be safeguarded to the extent of preventing them from becoming a hazard to the troops because of disease or disorder; humanity encourages the maintenance of as good conditions as military necessity permits.

(b) Control measures applied to a civilian community vary according to the degree of civilian cooperation and the immediate mission of the occupying force.

(2) Retention of existing laws, customs, and political subdivisions.—Occupying forces retain local laws, customs, and institutions of government, and political divisions and subdivisions unless such retention conflicts with the aims of the military governor.

(3) Retention of local government departments and officials.—

(a) Military governors may retain, suspend, or discontinue the departments of the civil government and the tenure of officials in accordance with need for them and with policies promulgated by higher authority.

(b) Military governors, as far as practicable, govern the civilian population through retained or appointed civilian officials and authorized civilian agencies. Such officials should be reliable, qualified, and respected by the community, and willing to comply with military government directives. Military government personnel avoid acting as operating officials of civil government.

(c) Civilian officials serving under military government direction, are provided necessary protection from elements of the population hostile to the United States armed forces and military government authority.

(d) For further details concerning political government and administration, see paragraph 20.

(4) Political prisoners.—Persons imprisoned by the previous government for political reasons are released after investigation in conformance with national policy. Preference is given such released prisoners in allocating housing, care, processing, and repatriation.

(5) Economic policy in relation to occupied areas.—(a) The basic economic policy of the United States is—

(i) To develop occupied areas as a source of supply for fur-

ther operations; and to use available goods and services for the satisfaction of immediate military and civilian needs.

(ii) To revive and stimulate the economy in occupied areas in order to reduce to a minimum the needs of the occupied area for United States and allied assistance.

(iii) To promote the economic rehabilitation to the extent necessary to accomplish the objectives of the occupation.

(b) For detailed activities to accomplish the objectives stated in (a) above, see paragraphs 31-37.

(6) Health of inhabitants of occupied areas.—Health of civilians is safeguarded to protect the troops and to minimize relief measures required. Public health laws are enforced and public health services normal in the community are continued. For details concerning implementation of this policy, see paragraph 24.

(7) Respect for religious customs and organizations.—International law requires that religious convictions and practices be respected. Consequently, places of religious worship are not closed unless necessary as a security or sanitary measure, or unless there is evidence that an undesirable nationalistic or political ideology is being practiced under the guise of religion.

(8) Discriminatory laws.—Discriminatory laws based on race, color, creed, or political convictions may be repealed as soon as the situation permits.

(9) Freedom of speech and press.—To the extent that military interests are not prejudiced, freedom of speech and press is instituted and maintained.

(10) Protection of archives and records.—Archives and records, both current and historical, of all branches of government of the occupied area are of immediate and continuing use to military government. It is essential to seize and protect them.

(11) Seizure and protection of mail and documents.—Mail and documents found in post offices and other central communications centers are a source of intelligence information. They are seized and protected and made available to the intelligence agencies.

(12) Protection of shrines and works of art.—Except where military necessity makes it impossible, historical and cultural monuments, works of art, and religious shrines are preserved.

## Section II

## MILITARY GOVERNMENT RESPONSIBILITIES

9. PROBABLE POLITICAL, ECONOMIC, AND SOCIAL CONDITIONS EXISTING IN OCCUPIED TERRITORIES.—Commanders may encounter one or more of the following conditions in an occupied territory which will affect their responsibilities—

*a. Political conditions.*—(1) Civil administration may be hampered by—

(a) Absence of officials.

(b) Presence of unreliable officials.

(c) Destruction of essential records and equipment.

(2) Loss of control by public safety agencies and shortage of public safety personnel may result in rioting, looting, property damage, and general disorder.

*b. Physical conditions.*—(1) Acute shortage of housing for people and business may exist.

(2) Destruction of essential service installations, such as railways, streetcars, electrical power generating and distributing systems, water systems, and sewage systems may have occurred.

*c. Economic conditions.*—(1) Commercial and industrial facilities may have been destroyed by fighting or by sabotage.

(2) Shortage of foodstuffs and key industrial supplies may exist in population centers because of failure of transportation.

(3) Unemployment of labor.

(4) Absence of managerial personnel.

(5) Money becoming increasingly less valuable.

*d. Social conditions.*—(1) Large numbers of refugees and displaced persons desiring to be repatriated to their homes may be present.

(2) Private and public welfare institutions may have been wholly or partially destroyed, and may require assistance in securing necessary supplies.

(3) The water supply may be disrupted or polluted.

(4) Hospital facilities and medical supplies may be extremely scarce. Dead may be found unburied and epidemics of disease may be imminent.

(5) Need may greatly exceed the supply of professional personnel, such as doctors and engineers.

10. DIVISION OF MILITARY GOVERNMENT FUNCTIONS WITHIN EACH COMMAND.—*a. Military government units.*—Supervision of civil administration is the principal function of military government units. They supervise the policy-making functions of civil government, the policy-making

functions of commercial and industrial organizations, and the functioning of voluntary welfare institutions. During combat they orient all civilian activities toward furthering the achievement of the combat mission. When combat has passed beyond a community, the military government unit guides the community through the restoration of normal activity.

*b. Combat units.*—Combat units serve as the force which backs up the administrative actions. They also perform specific military government missions when directed, particularly those which require large numbers of people with military skills, e.g., disposal of military equipment from captured arsenals.

*c. Other units and services.*—The other services perform many special tasks involved in military government. They seize some facilities for use in military operations, e.g., railroads and communications systems, allotting for civilian use those facilities surplus to military needs or required for civilian use to accomplish military aims. They furnish technical advice to military government. They furnish supplies to military government units; advancing small amounts of key supplies frequently may enable a civilian industry to produce large quantities of essential supplies where needed, which otherwise would have to be moved long distances from producers in the zone of interior. A good example of this is the furnishing of a few tons of steel cable to enable the mining of thousands of tons of coal. Technical services in turn make use of available local resources and facilities of the occupied territory.

---

### Section III

#### ORGANIZATION AND OPERATIONS

11. GENERAL.—*a.* In operations carried out by the combined forces of the United States and its allies, policies and plans for military government are formulated under the direction of the chief executives of the governments concerned.

*b.* In operations conducted jointly by the United States Army, Navy, and Air Force, the planning and formulation of policies for military government are carried out under the direction of the Joint Chiefs of Staff.

*c.* Responsibility for military government operations is vested in and exercised by theater commanders. A theater commander may delegate his title and authority to theater Army, theater Navy, theater Air Force, or task force commanders. In general he delegates military government responsibility for continental and large island operations to the theater

Army commander and for other island operations to the theater Navy commander.

12. **MILITARY AGENCIES.**—The military agencies which the Secretaries of the Army, the Navy, and the Air Force designate to formulate military government policies and plans are the Plans and Operations Division, General Staff, and the Office of the Provost Marshal General of the Department of the Army, the Assistant Chief of Naval Operations (Strategic Plans Section) of the Department of the Navy, and the Director of Plans and Operations of the Department of the Air Force.

*a. Department of the Army.*—(1) The Plans and Operations Division is responsible for preparation or review of military government portions of Army strategic studies, Army strategic plans, and Army operation plans.

(2) The Military Government Division, Office of the Provost Marshal General, is responsible for preparing military government portions of mobilization plans, current training plans, and supporting details of Department of the Army operation plans.

*b. Department of the Navy.*—The Assistant Chief of Naval Operations (Strategic Plans Section) is responsible for formulating broad policies and plans, drafting directives and regulations, and training personnel for military government in areas of paramount Naval interest. He is also responsible for coordinating with the Department of the Army on matters of joint military government interests. In addition, he ensures that the Secretary of the Navy, the Chief of Naval Operations, interested bureaus, and other divisions of the Department of the Navy are advised concerning these matters. The Assistant Chief of Naval Operations (Strategic Plans Section) maintains liaison for the Department of the Navy with other agencies of the government and civilian welfare or relief organizations and, in connection therewith, is responsible for—

(1) Formulating policy and preparing plans for the conduct of military government activities.

(2) Expediting the handling within the Department of the Navy of military government matters.

(3) Collecting military government information and distributing it to appropriate agencies.

*c. Department of the Air Force.*—The Director of Plans and Operations, under the Deputy Chief of Staff-Operations, is responsible for military government activities of the Air Force.

13. **ORGANIZATION AND CONTROL.**—*a. General.*—In each theater of operations military government staffs are organized and manned to supervise the functions of military government appropriate to each headquarters assigned area responsibility. The size, organization, and scope of activities of the section vary with the degree to which each function must be super-

vised in each occupied territory. The degree of control required is affected by the mission of the commander, the competence of the existing civil government, and the economic and social development of the people of the occupied territory.

*b. Types of organization.*—Two types of military government organizations are utilized.

(1) The combat type provides for military government responsibility to be assigned to the commanders of combat units and administrative commands. This type is described below in the discussion of military government in the combat phase.

(2) The occupational type provides for a theater military government command to control military government through commanders of successive echelons of subordinate military government units, independent of commanders of combat units and administrative commands. It is described below in the discussion of post-combat military government.

(3) Obviously a theater might include an allied country, a conquered enemy country, and a yet unconquered enemy country. The theater commander determines the type of military government to be employed in any particular territory at any given time. Both types or a combination of them may exist concurrently since it is desirable that there be orderly progression from the combat to the occupation type as progressively larger political units come under the control of a single commander.

*c. Military government during the combat phase* (see figure 1).—(1) *Initiation.*—Military government begins in the combat zone as soon as an area comes within control of the occupying force. In combat areas it is necessarily limited to the functions essential to the military mission. Usually, such functions are exercised directly over the civilian population by the combat units of which military government units may be a part. The initial handling of civilian problems, if properly conducted, influences materially the success of the combat mission and sets the pattern for effective civilian cooperation. Such cooperation relieves strain upon both military personnel and military supplies.

(2) *Command channels.*—(a) So long as the theater is divided into a combat zone and a communications zone, the theater Army commander exercises control over military government in the combat zone through the commanding officers of army groups, field armies, or task force commanders, and over the communications zone through its commanding officer. The theater Navy commander exercises control through fleet or task force commanders in the combat zone and through the Naval advanced base zone in rear areas.

(b) If the theater is subdivided into zones of operation assigned to separate task forces, each of which has its own communications or Naval advanced base zone, control is exercised through task force commanders.

(3) Military government staff sections and units in the combat zone.—(a) Each command down to and including divisions is furnished a special staff section to advise, plan for, and supervise military government functions. The administrative and technical services extend their functions to include support of military government activities.

(b) Military government units are made available for attachment to combat units for two purposes:

(i) To perform specific missions, e.g., processing of refugees.

(ii) To govern specific political subdivisions, e.g., municipalities or provinces.

Military government units assigned to a combat unit to perform specific missions usually remain assigned to that combat unit throughout an operation. Military government units attached to a combat unit to govern specific political subdivisions remain attached only so long as that combat unit controls the area including the political subdivision; when the combat unit advances the military government units assigned to specific civilian communities remain in place and pass to control of a higher command.

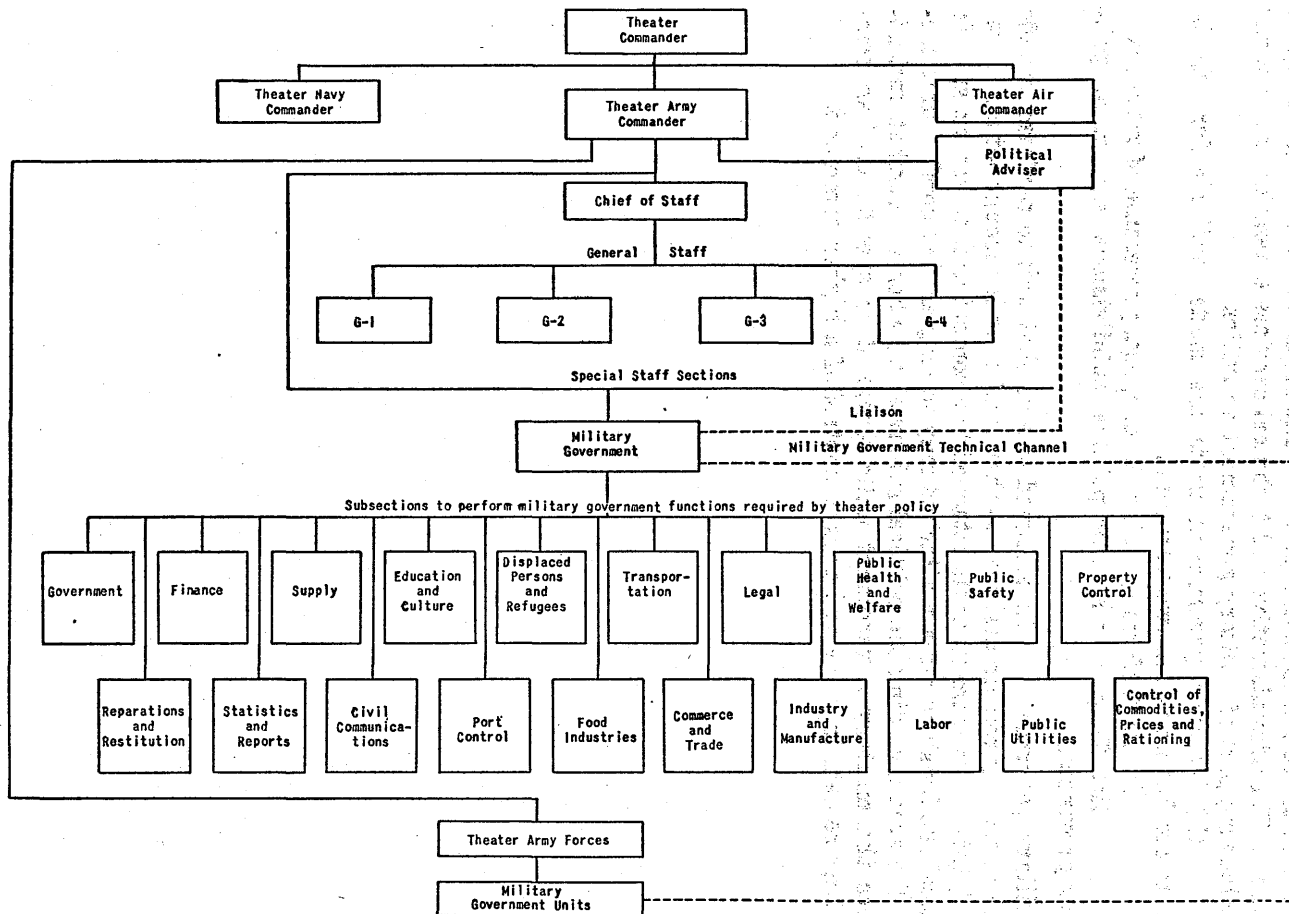


Figure 1. A typical theater Army military government organization in the combat phase.

(4) Army communications or Naval advanced base zone.—(a) Degree of organization.—As territory comes within the Army communications zone or the Naval advanced base zone, attention must be paid to the greater relative permanency of the military organization in the area and to further development of military government organization. Efforts are emphasized to restore the normal functioning of the local government subject to military government control.

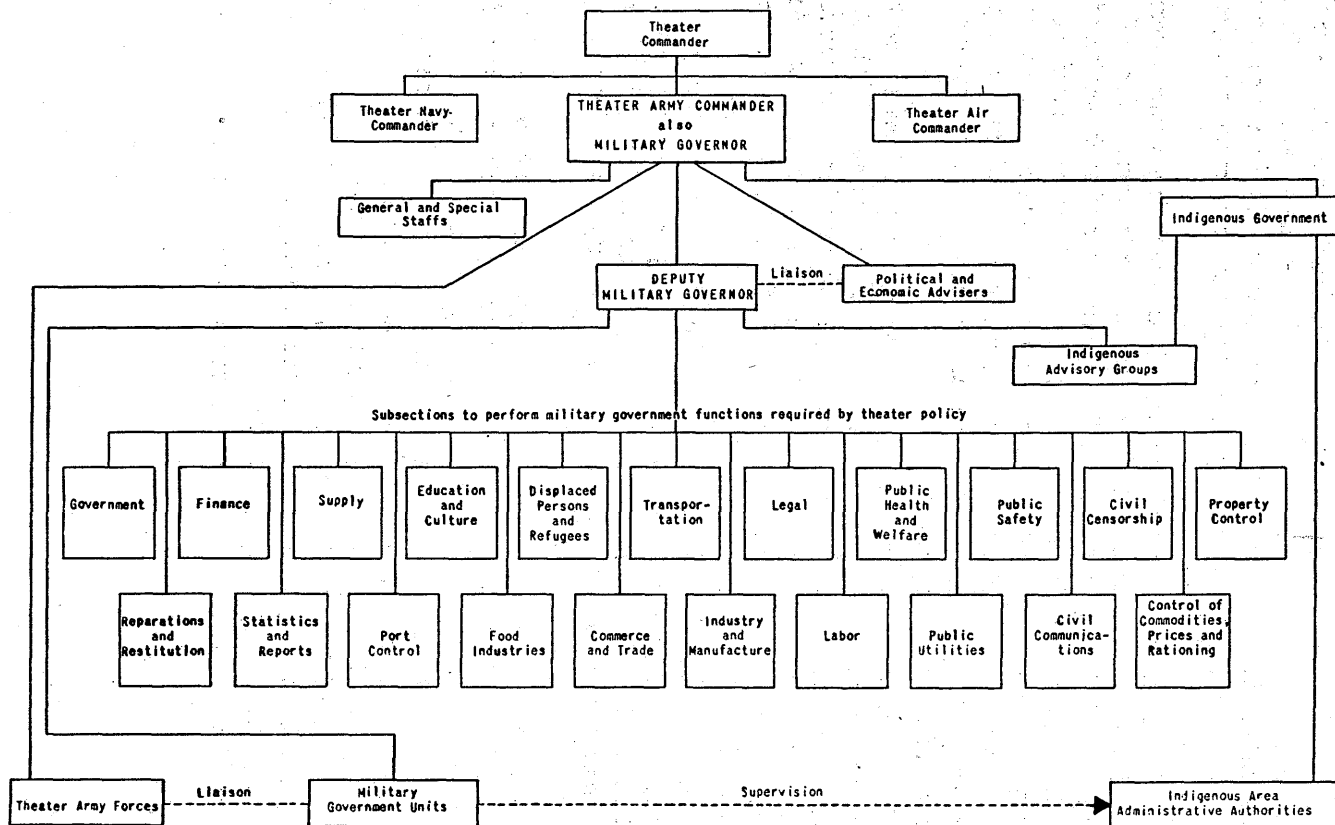
(b) During the initial periods of an operation commanders of sections of the communications zone are usually responsible for military government in their respective areas. The commander of each section of the communications zone has a military government special staff section through which he controls military government units assigned to communities in his area. The commander of a unit temporarily stationed in or passing through the communications zone assumes no military government authority except in an emergency.

(5) During the later phases of an operation the theater military government command may become operational under command of the Army communications or Naval advanced base zone commander. This command is charged with the control of military government within all the Army communications or Naval advanced base zone in order to accomplish more nearly complete civilian self-administration.

(6) If the territory includes more than one country or island group, a military government unit may be detailed to supervise or represent the highest political echelon of each country or island group. Subordinate military government units are provided as needed for duty in the lower political echelons.

*d. Military government units in the post-combat phase* (see figure 2).—(1) After combat ceases, because of an armistice or surrender of the enemy forces, the theater commander usually exercises control over the civil population through the theater military government command. That command includes military government organizations for the conquered state and all its subdivisions. The senior military government officer of each subdivision is responsible to the military government officer of the next higher subdivision and commands the military government units controlling lower subordinate political subdivisions.

(2) Combat and administrative units garrisoned in the occupied



MILITARY GOVERNMENT

Figure 2. A typical theater Army military government organization for the occupation phase.

territory have no military government responsibility except logistical support of military government units. Combat and administrative unit commanders transact business with civilian governments through the military government organization. Combat units form the occupying force and provide the strength behind the military government, but they remain aloof from civil administration thus keeping themselves mobile to strike when and where needed if cause should arise.

(3) The occupational type of military government is suitable for areas where no need exists for constant control by combat unit or administrative unit commanders to ensure success of combat missions. It is the more desirable type after that need no longer exists because—

(a) It minimizes changes of commanders and changes of policy, both of which disturb control over civilians.

(b) It keeps civil administration under the control of people selected and trained for that task.

14. MILITARY GOVERNMENT STAFF SECTION.—The military government section is a special staff section at theater and subordinate commands to include division. This section is charged with planning and responsibility for military government activities which are not charged to other staff sections.

*a. Duties of chief of section.*—The duties of the chief of a military government section are—

(1) To prepare and keep current detailed plans, policies, and procedures for military government activities in the area to be occupied, and to coordinate such plans, policies, and procedures with chiefs of other special staff sections and with the general staff sections.

(2) To advise and assist the commander and staff in all matters of organization, supervision, and control of military government in the area occupied, or to be occupied, and to interpret for him from a military government viewpoint the character of the people, the nature of the government, and the specific problems likely to be faced in the territory.

(3) To secure, from all sources, information of military government interest, and to evaluate such information for purposes of—

(a) Dissemination to other interested agencies.

(b) Utilization for planning for future military government operations.

*b. Internal organization.*—The chiefs of military government sections at theater, theater Army, army, and communications zone make provision for the organization and activities listed below. At corps and division several of these activities may be performed by a single officer:

(1) Administrative.—(a) Deputy.—The deputy assists the chief of the section and acts for him in his absence.

(b) Executive officer.—The executive officer coordinates the office management and handles special assignments.

(2) Functional subsections.—A subsection for each military government function is set up at appropriate command echelons.

(a) At theater level military government activity is limited to policy-making. Therefore, functional subsections are small and some may be eliminated.

(b) Theater Army headquarters requires functional subsections, each prepared to make detailed plans, to prepare detailed directives, and to perform staff supervision of its assigned function. The most highly qualified functional specialists are assigned to the theater Army headquarters.

(c) Armies, corps, and divisions require a minimum of functional specialists. A field army has an Army Military Government Command Unit which can perform specialist services. Corps and divisions rely upon local military government units and upon specialist services of higher military government units.

*c. Personnel of other services.*—In joint operations, personnel of all services are included in the military government section as required. It is necessary that close liaison exist between Army, Naval, and Air Force military government personnel. If the occupation is primarily an Army operation, Navy, and Air Force military government personnel may be attached to theater Army military government section for liaison. If it is a Naval operation, particularly if control is to be taken over later by the Army, it is essential that Army military government personnel be attached to the Naval section.

*d. Personnel of other nations.*—In combined operations involving the forces of the United States and its allies, military government personnel of the participating nations should be assigned to the theater military government staff section.

15. MILITARY GOVERNMENT UNITS.—*a. General.*—For purposes of training and employment all military government personnel other than staff personnel are assigned to military government units. These units are military government teams, platoons, companies, and groups. Such units are organized and given general military government training at appropriate training centers in the zone of interior.

*b. Principles of organization.*—(1) With the exception of military government teams, units perform their own administration. They are capable of operating alone or as part of a larger unit.

(2) Military government units are not normally trained or organized for a specific area (city, province, state) while in the zone of interior; training and organization in the zone of interior is confined to that for specific levels of government within the theater of operations. Training

and organization of units is completed in the theater of operations after their final assignments are definitely known.

(3) The platoons, companies, and groups are each made up of teams. Their strength and functional character may be increased or decreased by addition or subtraction of appropriate teams.

(4) Functional specialist teams are normally utilized on military government staffs of army and higher headquarters and with military government groups or companies to accomplish specific missions.

*c. Principles of employment.*—(1) Military government units assigned to a combat unit to accomplish specific recurring military government functions, e.g., processing refugees, remain assigned to the combat unit during the entire operation.

(2) Military government units trained for and deployed in specific political communities remain in those communities and are responsible to the commander designated as responsible for military government in the area.

(3) In operations in which an army controls provinces or larger political units in the post combat phase of occupation, military government units are attached to the army to conduct military government operations in each such political subdivision. Such units command all subordinate military government units operating in that portion of the political subdivision included in the army service area. (Note.—This amounts to a combination of combat type and occupation type organization.)

(4) Military government units are assigned initially to the theater military government command and are further assigned or attached to subordinate commands as required.

(5) As conditions become more stabilized in the communications zone, the number of military government units needed to control the area may decrease. Surplus units or teams are relieved and reassigned at the discretion of the commander of the theater military government command.

---

#### Section IV

### MILITARY GOVERNMENT PLANS

16. RESPONSIBILITY FOR PLANS.—A military government plan is an integral part of the plan for each military operation.

*a. High-level policy.*—(1) The National Security Council formulates and approves broad policies concerning military government.

(2) The Secretary of the Army and the Secretary of State formulate policies for operation of military government for which the Department of the Army is responsible.

(3) The Secretary of the Navy and the Secretary of State formulate policies for military government operations for which the Department of the Navy is responsible.

*b. Department of the Army planning.*—(1) The Plans and Operations Division, General Staff, is responsible for—

(a) Preparation of military government portions of Army strategic studies.

(b) Preparation or review of military government portions of Army strategic and operational plans.

(c) Review of military government portions of Army mobilization plans.

(d) Study of areas in which military government may be used with a view to determining requirements and establishing guidance for military government operations in specific areas.

(e) Preparation, maintenance on a current basis, and implementation of military government policies of the Department of the Army.

(f) Coordination of the General Staff, the Special Staff, and other agencies or functions related to military government planning matters.

(2) The Provost Marshal General is responsible for—

(a) Preparation of military government aspects of mobilization plans.

(b) Preparation of tables of organization, equipment, and distribution of military government units.

(c) Preparation of training literature and doctrine.

*c. Theater of operations.*—The chief of the military government section of each headquarters having area responsibility prepares a military government plan as a part of each operation plan. Each section of such a headquarters prepares the necessary plan to furnish appropriate support of the military government phase of the operation, e.g., the G-4 would plan to provide logistic support.

17. BASIS FOR PLANNING.—*a.* The military government plan of each command provides general guidance for all personnel of the command in its relationship with the indigenous population of an occupied territory and provides for the performance of such of those functions discussed in section V as are pertinent to the particular command and its part in each operation.

*b. Common planning factors.*—Planning factors which are common to all units of a command and which influence the general concept of the operation plan are:

- (1) The mission of the occupier.
- (2) The national policy of the government of the occupier.
- (3) The organization and conditions of the government, economy, and social structure of the occupied state.

The first two of these three factors are within the control of the occupying government and are promulgated in written directives from higher to lower commanders. Studies and estimates of the country to be occupied must be made to evaluate the third factor.

*c. Indigenous factors affecting the entire command.*—Some conditions in an occupied country affect all troops and all functions of military government while others affect only specific units or specific functions. Those affecting all units and all functions include:

- (1) Local traditions, sensitive points, and national and religious observances, such as holidays and sacred or forbidden places.
- (2) Forms of social courtesy among different ranks of the inhabitants.
- (3) The attitude of the civilian population toward the nation of the occupier and toward the occupying force.
- (4) Effects of combat on the civilian population. After these conditions are studied detailed instructions are provided to all troops, since offenses against local customs may cause civil disobedience among an otherwise tractable population.

*d. Planning for specific military government functions.*—Each specific military government function outlined in section V is studied by specialists who recommend the policies to be followed concerning that function. Each military government staff section prepares policies and procedures appropriate to the command concerned. When these have been approved by the commander they guide the agencies who perform the tasks which make up that function. The types of planning data needed for each function are outlined in the discussion of that function in section V.

---

## Section V

### MILITARY GOVERNMENT FUNCTIONS

18. GENERAL.—The functions analyzed in this section may be carried out by any one of the armed services which is responsible for the government of an occupied territory. The break-down of the tasks to be performed in each function is made only for the Army in this pamphlet.

19. MAINTENANCE OF LAW AND ORDER.—The rules of land warfare, implementing international law and the Hague Conventions, require the occupier to take all measures in his power to restore and maintain, so far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country. The theater commander utilizes all elements of his command to perform appropriate functions to accomplish this aim. Military government personnel prepare and recommend plans for achieving law and order, and supervise civilian agencies which enforce law and maintain order.

a. Basic planning data for law and order include—

(1) The customary method of announcing regulations concerning conduct of people.

(2) The organization, powers, equipment, and functions of existing law and order agencies.

(3) Character of the population as to orderliness and obedience to law.

(4) Existence of subversive or enemy groups who will attempt to incite disorder.

(5) Existence of specific causes of disorder, e.g., withdrawal of police by retreating forces.

(6) The law enforcement methods having traditional respect among the civil population.

b. *Military government staff sections.*—(1) Prepare and recommend plans for civilian law and order for their respective commands, specifying the measures to be taken by each element of the command.

(2) Prepare proclamations, ordinances, and orders to inform civilians of what is required of them.

(3) Prepare directives to civilian governments, prescribing any changes desired in their laws concerning law and order.

(4) Recommend from the types of police forces of each country those to be utilized and those to be suspended or abolished.

(5) Recommend the use of military police where it is anticipated that civilian police cannot be utilized.

(6) Prepare and recommend procedures to be applied in each task performed in restoring law and order, emphasizing measures to overcome war-caused problems, such as—

(a) Looting.

(b) Rioting.

(c) Control of sale of liquor and narcotics.

(d) Collection and disposition of weapons, explosives, and implements of war in the hands of civilians.

(7) Prepare and recommend policies and procedures for the supervision of jails and prisons.

(8) Prepare and recommend policies and procedures for reestablishing or strengthening fire departments.

*c. Military government units.*—(1) Post proclamations, ordinances, and orders to the civilian population.

(2) Require civilian police forces and fire departments to be rehabilitated and strengthened, and supervise their operations.

(3) Supervise the administration of jails and prisons.

(4) Designate to civilian officials particular installations to be guarded.

(5) Prosecute offenders against military personnel or military government laws before military government courts.

(6) Request the services of military police or combat units when law and order cannot otherwise be maintained.

(7) Requisition, draw, and issue police and fire department equipment from military supply officers in accordance with approved policies.

(8) Perform such counterintelligence services as the commander having area responsibility directs.

*d. Commanders having military government responsibility.*—(1) Approve and cause to be published proclamations, ordinances, and orders prepared by their military government staffs.

(2) Enforce compliance of troops with orders published.

(3) Furnish troop units to perform designated police functions, e.g., guarding a key power installation needed by troops.

*e. Other services.*—(1) Counterintelligence sections of each command recommend measures to be carried out by military government units to ensure the security of troops.

(2) The quartermaster and technical services stock and issue public safety equipment and supplies.

20. POLITICAL GOVERNMENT AND ADMINISTRATION.—Military government units normally perform all functions of supervision and administration of the civil governments for commanders having responsibility for military government.

*a. Basic planning data for political government and administration should include—*

(1) Recent history of the country.

(2) Organization of the civil government, including the titles, functions, backgrounds, and names of officials in a position to help or hinder the occupation mission.

(3) Organization and potential effects of political parties and unofficial persons or organizations wielding political or other power in all echelons of the civil government.

(4) Political geography of the state.

(5) Accustomed procedures used by the government in transacting its business.

*b. Military government staff sections.*—(1) Recommend policies specifying the criteria upon which policy-making civilian officials shall be determined to be politically reliable for continuance in office.

(2) Recommend procedures for removing undesirable civilian officials and for the selection and appointment of temporary replacement officials.

(3) Prepare procedures for inspecting civilian government offices and for reviewing administrative actions.

*c. Military government units.*—(1) Remove undesirable officials and appoint temporary officials in accordance with approved policies.

(2) Instruct civilian officials as to required policies and actions.

(3) Review administrative actions of civilian officials in accordance with approved policies and require correction of disapproved actions.

*d. Commanders having responsibility for military government.*—(1) Approve and direct publication and distribution of policies and procedures in appropriate form.

(2) Direct the assistance of services other than military government services when needed, e.g., the investigation of civilian officials by intelligence personnel.

*e. Other services.*—Other services may furnish technical advice as to qualifications to be required for such semitechnical officials as city engineers, highway engineers, and members of such organizations as public service commissions.

21. ESTABLISHMENT OF COURTS AND ADMINISTRATION OF LAW.—Military governors exercise authority over the courts and other legal agencies of occupied territory. Military government units are charged with exercising supervision of courts and legal agencies.

*a. Basic planning data for establishment of courts and administration of law include—*

(1) The methods and forms for administering justice, including formal law, tribal customs, and traditions.

(2) Organization and reliability of the civil courts in which offenses committed by civilians may be tried.

(3) The provisions of the legal statutes, particularly any which the occupier may desire to change.

*b. Military government staff sections.*—(1) Recommend the types of military government courts to be established and the types of units which will establish and administer them.

(2) Recommend policies and procedures concerning the restric-

tions to be imposed on local criminal and civil courts as to jurisdiction over people, cases, and areas.

(3) Recommend policies and procedures for supervision of members of the bar.

(4) Recommend modifications or suspension of local criminal and civil laws to carry out national policy as expressed in directives from the next higher command echelon.

(5) Advise the commander and other staff officers on all legal aspects of the occupation.

(6) Review records of trial.

(7) Perform staff supervision of military government courts and civilian courts.

*c. Military government units.*—(1) Establish military government courts in accordance with approved procedures.

(2) Prosecute civilian offenders against military personnel and military government ordinances and orders.

(3) Supervise civilian courts in accordance with approved procedures.

(4) Recommend desired changes in courts or procedures to responsible commanders.

*d. Commanders having responsibility for military government.*—

(1) Approve and promulgate policies, procedures, and changes in laws.

(2) Exercise or delegate authority to appoint military government courts.

(3) Review sentences of military government courts appointed by them.

*e. Staff judge advocates.*—(1) Advise the commander, and his staff, and military government officers concerning courts and laws.

(2) Review proceedings of military government courts when directed by commanders.

22. PUBLIC FINANCE.—*a. Basic planning data for public finance include—*

(1) Taxation systems.

(2) Methods of making appropriations.

(3) Probable adequacy of public funds.

(4) Administrative organization for public finance sections.

*b. Military government staff sections.*—(1) Estimate the probable adequacy of government funds to carry on the functions of civil government.

(2) Prepare procedures to provide for—

(a) Levy of additional taxes, where necessary.

(b) Advancing occupation funds to ensure performance of essential services.

(3) Recommend procedures and allotments of personnel to perform supervision over civilian government finance offices, e.g., internal revenue offices, budget offices, and public treasuries.

(4) Recommend procedures for administration of occupation currency.

*c. Military government units.*—(1) Supervise tax collectors, budget makers, agencies appropriating public funds, and treasuries.

(2) Recommend advances of occupation funds to pay for essential public services and supervise the administration of such funds.

*d. Commanders having military government responsibility.*—Appoint agent officers, who draw occupation funds and make authorized expenditures.

*e. Other services.*—The Finance Department provides occupation funds through disbursing officers for authorized needs of the military government and of other elements of the occupation forces.

23. CIVILIAN PROTECTION.—Passive air defense and protection from fire for military installations, troops, civilian installations, and civilians are inseparable. Military government staff sections and units represent the civilian part of these activities.

*a. Basic planning data for civilian protection include*—the organization and equipment of existing civilian defense and fire-fighting agencies.

*b. Military government staff sections.*—(1) Prepare policies, plans, and procedures for causing the greatest possible contribution of civilians to passive air defense and fire protection.

(2) Coordinate the civilian passive air defense and fire protection with those of the military forces.

*c. Military government units.*—(1) Supervise civilian passive air defense and fire-fighting activities, including—

(a) Instruction of civilians in the over-all plan.

(b) Direction of civilians in implementation of the plan.

(2) Request assistance of military units if enemy action affects civilians.

(3) Make available to the military forces available civilian assistance when it is needed.

(4) Arrange for aircraft warning service to civilians.

*d. Commanders having responsibility for military government.*—(1) Require all passive air defense and fire-fighting services, military and civilian, to carry out one integrated plan of passive air defense and fire-fighting.

(2) Assign troops to perform disaster duty where necessary.

*e. Other services.*—(1) The air defense control center furnishes warnings of impending air attacks.

(2) The Corps of Engineers furnishes fire-fighting equipment and services, and clearing equipment, e.g., bulldozers and cranes.

(3) The Medical Department plans for, supervises, and furnishes medical service to implement caring for casualties caused by air attacks and fires.

(4) The Signal Corps furnishes equipment and signal service to implement an approved plan, making use of all civilian telephone systems.

(5) The Corps of Military Police establishes traffic control during enemy actions.

24. PUBLIC HEALTH AND SANITATION.—Military governors take measures to ensure the good health of civilians and to protect the occupying forces from exposure to epidemics.

*a. Basic planning data for public health and sanitation include—*

(1) Organization, powers, and functions of governmental public health organizations.

(2) Probable adequacy of physicians, nurses, health facilities, drugs, and medical supplies.

(3) Probable measures necessary for the restoration of sanitary facilities destroyed by combat action.

*b. Military government staff sections.*—Assist staff surgeons in the preparation of—

(1) Estimates of medical personnel to care for civilians.

(2) Estimates of medical supplies for civilian use.

(3) Estimates of allocation of essential hospital facilities for civilian use.

(4) Measures to be required of civilians to maintain public health.

*c. Military government units.*—(1) Supervise civilian public health officials in the enforcement of public health laws and in the performance of public health services.

(2) Draw medical supplies from military medical supply officers for civilian relief.

(3) Promulgate local orders concerning special health measures to be enforced by civilians.

(4) Require facilities for care of wounded and ill civilians to be made available as needed by civilian agencies other than normal hospital and medical agencies.

(5) Request assistance from military medical units when necessary. (Note.—Military medical personnel should furnish such assistance, if available without prejudice to care of troops, for humanitarian reasons and for the morale value to troops of such care.)

*d. Commanders having military government responsibility.*—Require that an integrated plan be made by each unit to provide for direction by the surgeon of all medical activities within the area of that unit to include both troops and civilians.

*e. Other services.*—Each staff surgeon—

(1) Advises the military government staffs and units concerning public health measures to be taken by civilians.

(2) Requisitions and makes available to military government units for issue to civilian medical services military medical supplies requested in accordance with approved policies.

25. PUBLIC WELFARE.—*a.* Basic planning data for public welfare include—

(1) Studies of public laws and public agencies of welfare.

(2) Studies of private welfare organizations and their activities.

(3) Estimates of the effects of war conditions on the welfare load.

*b. Military government staff sections.*—(1) Survey public welfare laws and public and private charitable institutions of an area to be occupied. (Charitable institutions include children's homes, poor houses, homes for mentally and physically handicapped, and aged people's institutions.)

(2) Prepare procedures to ensure the continued enforcement of public welfare laws, and the maintenance and continued operation of public and private charitable institutions.

*c. Military government units.*—Supervise the administration of public welfare laws and the operation of public and private charitable institutions, taking particular care to see that they receive food, medicine, and supplies.

*d. Commanders having military government responsibility.*—Require compliance of all subordinates with measures directed.

*e. Other services.*—Make available to military government units supplies requested in accordance with approved command policies.

26. DISPOSITION OF REFUGEES AND DISPLACED PERSONS.—Refugees are homeless people within their own country. Displaced persons are civilians found in a country other than their own contrary to their own wishes. The theater commander repatriates displaced persons in accordance with national policies.

*a.* Basic planning data for the care and disposition of refugees and displaced persons include—

(1) Probable numbers.

(2) Probable locations.

(3) Languages and customs and attitudes of the people involved.

(4) Adequacy of facilities and local supplies in the areas in which displaced persons will probably be found.

(5) Probable desires of the displaced persons.

(6) Attitudes of the governments of the native countries of displaced persons.

(7) Acceptability of displaced persons as immigrants to other nations.

*b. Military government staff sections.*—Prepare plans for the housing, feeding, medical treatment, and administrative processing of refugees and displaced persons, planning to utilize the services of other military services when and where possible.

*c. Military government units.*—(1) Military government units which are assigned to civilian communities supervise the welfare of refugees and displaced persons, causing such facilities as feeding stations to be operated.

(2) Military government camp teams, especially trained for that duty, administer camps of displaced persons. Since most of the duties of such units are routine administration and supply, any small military unit may be improvised into a camp team by assigning to it a few people especially trained to administer people of the particular nationality concerned.

*d. Commanders responsible for military government.*—Include the supply and administration of refugees and displaced persons in their plans. They detail units to administer camps as needed.

*e. Other services.*—Supplies, construction, and other forms of logistical support of displaced person camps are furnished by the appropriate technical service.

27. EDUCATION.—Military governors are charged with supervision of education in occupied areas.

*a.* Basic planning data for education include—studies of school laws, teacher training, school administration, curricula, textbooks, and facilities of the country.

*b. Military government staff sections.*—(1) Survey the education laws, subjects of instruction, physical facilities, administrative methods, and personnel.

(2) Recommend changes found to be necessary to comply with national policy, e.g., screening teachers or changing textbooks.

(3) Recommend measures for military units to prevent unnecessary disruption of education, e.g., prohibition of billeting in school buildings when other facilities are available.

(4) Prepare procedures to be performed by military government units in inspecting school systems and in supervising local administration of schools.

*c. Military government units.*—Supervise schools in accordance with approved procedures.

*d. Commanders responsible for military government.*—Enforce restrictions on the use of school facilities.

*e. Other services.*—Furnish to military government units materials or supplies approved by appropriate commander for use in schools.

28. CIVIL INFORMATION.—Military governors interpret to the inhabitants the policies and purposes of the occupation through all media of information available, such as press, radio, and motion pictures.

*a. Basic planning data for civil information include—*

(1) Compilation of schedules of information media of the country to include press, radio, and motion pictures.

(2) Studies of the facilities employed to disseminate information to the people, the types and extent of the information disseminated, and the degree of its acceptance by the people.

*b. Military government staff sections.*—(1) Of theater staffs—

(a) Prepare material for distribution to information media.

(b) Arrange for distribution of prepared information material to armed forces network stations and to civilian information media.

(c) Recommend policies and procedures to be prescribed for closing, opening, or continuing the operation of civilian media of information.

(d) Perform staff supervision of operation of civilian information media.

(2) Of subordinate commands—

(a) Distribute prepared information material to military government units supervising operation of information media.

(b) Perform staff supervision of operation of civilian information media.

*c. Military government units.*—(1) Perform prescribed procedures concerning radio stations, newspapers, and motion picture theaters.

(2) Supervise the operation of information media within communities they control, including review of material printed or broadcast.

(3) Take corrective measures to remove personnel of information media who are inimical to the occupation force, military government, and national policies.

*d. Commanders having military government responsibility.*—Require the protection of physical facilities of information media, e.g., newspaper plants and radio stations.

*e. Other services.*—(1) The armed forces networks broadcast programs designed to promote correct relationships between troops and occupied populations. English-speaking civilians can, of course, hear these programs.

(2) Troop information and education supervised newspapers and other publishing agencies of the Army use civilian publishing facilities.

(3) Appropriate technical services furnish materials and supplies to military government units, e.g., radio parts and paper, to permit publication and broadcast of information to civilians.

29. LABOR.—*a.* Basic planning data for control of labor and labor relations include—

(1) Studies of public laws and public agencies regulating labor relations.

(2) Studies of the policies and practices of private employers concerning labor relations.

(3) Studies of labor organizations, their leadership, and their policies and techniques in their relationship with employers.

(4) Availability, capabilities, health and habits, of labor of the territory to be occupied.

*b. Military government staff sections.*—(1) Survey civilian labor laws and their administration at each appropriate level of civil government.

(2) Recommend appropriate regulations for the guidance of military commanders in the utilization of indigenous labor to include—

(a) Schedules of wage scales to be paid.

(b) Working rules and conditions.

(c) Labor procurement procedures.

(d) Methods of payment of labor.

(3) Recommend changes in existing civilian labor laws and practices.

(4) Estimate the number and kind of labor available for use by troops.

(5) Recommend restrictions upon the requisitioning of labor, e. g., prohibition of requisitioning farm labor in harvest time.

(6) Perform staff supervision of administration of labor laws and of employment of civilian labor.

*c. Military government units.*—(1) Procure labor for organizations of the command to which they are attached, except labor procured through specialized channels.

(2) Prescribe priorities for allocations of civilian labor to civilian employers to ensure accomplishment of essential civilian activities.

(3) Supervise the administration of labor laws, and the operation of civilian labor procurement agencies.

*d. Using arms and services.*—(1) Requisition labor following prescribed procedures.

(2) Transport laborers to jobs.

(3) Direct work of laborers.

- (4) Keep time records.
- (5) Draw occupation funds and pay laborers.
- (6) Provide first aid and emergency medical attention.

30. CUSTODY AND ADMINISTRATION OF PROPERTY.—Military governors assume custody and control of property of classes designated by the Joint Chiefs of Staff.

a. Basic planning data for custody and administration of property include—

- (1) Schedules of property to be taken into custody.
- (2) Studies of the laws pertaining to such property.

b. *Military government staff sections.*—(1) Prepare schedules of property to be controlled to include—

(a) Property in the occupied areas owned by other enemy governments or nationals of those governments.

(b) Property of allied governments over which control will be assumed by the military governor.

(c) Private property susceptible of direct military use and not in the custody of another branch of the armed forces.

(2) Recommend policies and procedures concerning the custody and administration of property.

(3) Recommend policies concerning requisitioning for military use of property which would otherwise be taken into custody.

c. *Military government units.*—Carry out approved procedures concerning custody and control of designated property.

d. *Commanders having military government responsibility.*—Enforce approved policies insofar as they affect combat troops and their activities.

e. *Other services.*—The general procurement agent incorporates directives concerning property to be requisitioned into procurement policies and procedures.

31. CURRENCY AND BANKING.—a. Basic planning data for control of banking and currency include—

(1) Public laws and public agencies regulating banking and finance.

(2) Financial structure, types, and condition of financial institutions in existence.

(3) Amount and types of currency in circulation.

(4) Attitude of population toward currency.

(5) Rate of exchange with other monies.

(6) Type of currency to be used by the occupying force.

b. *Military government staff sections.*—(1) At theater level—

(a) Recommend the type of currency to be used and the rate of exchange between that currency and United States currency.

(b) Recommend restrictions to be imposed on the currency issue by the civil government of the occupied country.

(c) Recommend regulations to be followed in all foreign exchange transactions.

(d) Recommend debt moratoria for specific types of debts.

(e) Recommend procedures for closing, liquidation, reorganizing, opening, and supervising operation of banks.

(f) Recommend procedures for guarding banks, bank funds, safe deposit boxes, securities, and records.

(g) Recommend advancing occupation funds to banks or businesses when such action is determined to be necessary.

(h) Recommend procedures for regulating and supervising insurance companies, credit cooperatives, and other financial agencies.

(i) Recommend policies to ensure orderly but restricted withdrawals of deposits and of payment of fixed obligations for living purposes, e.g., annuities and pensions.

(j) Recommend appropriate procedures for recording costs of occupation.

(2) At levels below theater, military government staff officers perform such duties as are prescribed in procedures promulgated by the theater commander.

*c. Military government units.*—Perform two types of functions:

(1) Finance units (teams) supervise each particular finance operation, e.g., an insurance unit may supervise all insurance companies, or an income tax unit may audit internal revenue offices.

(2) Other military government units carry out prescribed procedures as directed. They normally—

(a) Close banks in combat areas and request military guards for them when necessary.

(b) Make prescribed reports.

*d. Commanders having military government responsibility.*—(1) Approve and publish recommended policies and procedures.

(2) Furnish troops to guard essential institutions.

*e. Other services.*—The Finance Department controls the issue of occupation money, and makes it available through disbursing officers in accordance with prescribed procedures.

32. COMMERCE AND TRADE.—Military governors regulate the commerce and trade of the occupied area.

*a. Basic planning data for control of commerce and trade include—*

(1) Surveys of the public laws and public agencies affecting commerce and trade.

(2) Surveys of private agencies which promote commerce and trade.

(3) Determination of business services essential to the continued production and distribution of goods, services, and incomes.

(4) Statistics on domestic and foreign trade.

*b. Military government staff sections.*—(1) At theater headquarters recommend measures to encourage desirable movements of goods, including—

(a) Opening or closing of specific types of business offices, e.g., brokerage houses, markets, and banks.

(b) Restrictions on, or bonuses for, specific types of imports and exports.

(c) Adjustments in market fees, brokerage fees, railroad rates, and similar charges to encourage specific movements of goods.

(2) At subordinate echelons perform staff supervision of application of directed procedures.

*c. Military government units.*—(1) Inform local business and commercial institutions of the policies of the occupation force.

(2) Seek out essential items of supply and require their movement to points where needed.

(3) Enforce directed procedures.

(4) Recommend procedures to correct unsatisfactory operations of commerce and trade.

*d. Commanders having military government responsibility.*—Require that all subordinate personnel avoid actions which would hinder application of directives concerning commerce and trade.

*e. Technical services.*—In preparing schedules of materials to be requisitioned for military use, the policy and directives concerning commerce and trade should be considered. Utilizing normal market channels approved by the commander can assist greatly in the procurement of needed items.

**33. CONTROL OF COMMODITIES, PRICES, AND RATIONING.**—Military governors take measures to control the economy of occupied territory to ensure effective distribution of essential supplies.

*a. Basic planning data for control of commodities, prices, and rationing include—*

(1) Estimates of the adequacy of essential supplies for the nation as a whole and by areas.

(2) Surveys of the organization of the collecting and distributing agencies handling essential supplies.

(3) Surveys of the extent and effectiveness of measures taken by the existing government.

(4) Surveys of possible means of improving the effectiveness of distribution of essential supplies.

(5) Schedules of essential distribution of supplies to serve as basis for allocation priorities.

*b. Military government staff sections.*—(1) Recommend directives to be promulgated to include—

(a) Schedules of prices of commodities.

(b) Rationing regulations and procedures.

(c) Restrictions on specific uses of commodities, e.g., restriction of the use of grain for distilling liquors.

(2) Recommend measures to ensure maximum collection and distribution of locally produced supplies, e.g., keeping routes to markets open for farmers, and making available goods to be bought by farmers in exchange for foods.

(3) Recommend procedures to control and allocate imported supplies to uses which will further the objective of occupation.

(4) Recommend procedures to prevent exportation of supplies needed in the occupied area.

(5) Recommend restrictions to prevent purchase by troops of civilian supplies needed by civilians.

*c. Military government units.*—(1) Require local civilian officials to enforce upon civilians both civilian and military restrictions on prices and uses of commodities.

(2) Remove, all possible deterrents to orderly distribution of necessary supplies in local communities.

(3) Enforce price control and rationing regulations through prosecution of offenders in the courts.

*d. Commanders having military government responsibility.*—Enforce restrictions on purchases by troops of supplies essential to the civilian population.

*e. Other services.*—The Transportation Corps may be called upon to move supplies, e.g., grain from a grain surplus area to a population center.

34. CIVILIAN SUPPLY.—All supply services of the military forces are utilized in making available for civilian use military or civilian supplies required to enable civilians to carry on activities essential to the success of the combat effort. Military government personnel are responsible for certain measures to assure adequacy of civilian supplies essential to success of the war effort.

*a. Basic planning data for civilian supply include—*

(1) Standard of living including the health and dietary habits which might affect the occupying forces.

(2) The agricultural and industrial pattern of the nation which may affect the adequacy of supplies for the indigenous population and the

necessary imports from outside the country, e.g., sugar into a non-sugar-producing country.

(3) Effects of recent administrative policies of the civil government on adequacy of civilian supplies.

(4) Probable effects of military actions on the production, processing, and distribution of civilian supplies.

(5) Essential movements of supplies, particularly food and fuel from surplus to deficit areas.

*b. Military government staff sections.*—(1) Make estimates of the adequacy of essential civilian supplies available from civilian sources in the area for which each operation is planned.

(2) Recommend the supplies which should be made available from military sources, and the allocations to be made of such supplies.

(3) Recommend the supplies which can be requisitioned from civilian sources for military use and those which troops should be forbidden to requisition.

(4) Recommend appropriate measures to ensure the utilization of existing facilities to meet civilian requirements, e.g., transportation to distribute foodstuffs.

(5) Maintain liaison with technical services to ensure that supplies are being provided as approved by the commander.

(6) Set up accounting procedures and maintain records of supplies furnished.

*c. Military government units.*—(1) Take measures to ensure collection and distribution of locally produced supplies through:

(a) Normal marketing channels, when possible.

(b) Arbitrarily established channels, when necessary.

(2) Seek out surplus civilian supplies usable by the military forces and inform commanders or appropriate agencies of them.

(3) Requisition within authorized allotments the military supplies approved for civilian use from appropriate service supply installations.

(4) Physically draw the supplies for civilians from the supplying service.

(5) Supervise distribution of civilian supplies furnished from military sources.

(6) Set up accounting procedures and maintain records of supplies furnished.

*d. Commanders having military government responsibility.*—Include provision for essential civilian supplies in all appropriate plans.

*e. Other services.*—(1) Furnish technical advice on supplies needed for civilian use.

(2) Procure and distribute to military government units or other designated issuing agencies supplies normally handled by each service.

(3) Direct and assist in the rehabilitation of civilian factories, shops, or other facilities which procure supplies essential to the civilian population and whose procurement from local resources promotes theater policy.

35. FOOD INDUSTRIES.—Military governors apply measures designated to stimulate food production and effective marketing of food products.

a. Basic planning data for food industries include—

(1) The pattern of food production and processing in the occupied territory by areas.

(2) The availability and adequacy of institutions, facilities, and services required to enable food to be produced and processed.

(3) The location of food surplus and food deficit areas.

(4) The marketing systems for food products.

b. *Military government staff sections.*—(1) Estimate the probable deficit of food production during the period of operations.

(2) Estimate the requirements of supplies required from outside the area of the command concerned during the period of the operation.

(3) Study the measures necessary to cause continuation of the movements of food from producing areas to consuming areas during the occupation.

(4) Recommend a schedule of supplies not available in the occupied area to be made available through military supply channels for distribution through farm supply channels. For example, during wheat harvest time, binder twine is essential if a crop is to be harvested; if not available in the area, it must be provided or the crop goes to waste.

(5) Recommend measures to be included in restrictions on civilian circulation, on movement of trains, and similar restrictions normally imposed by military forces, to permit necessary movements of food and farm supplies.

(6) Recommend measures to avoid requisitioning the labor of farmers which would cause removing them from care of crops and livestock at critical period, e.g., seeding time of grain crops.

(7) Recommend specific supplies to be designated essential for the production of food and recommend measures to ensure their production and distribution.

c. *Military government units.*—(1) Encourage earliest possible resumption of normal local food marketing processes, e.g., movement of vegetable crops to local markets, or movement of milk from farms to dairies.

(2) Reestablish normal channels of distribution of farm supplies.

(3) Recommend to appropriate commanders necessary measures to remove hampering restrictions on production and marketing of food.

(4) Distribute to civilian supply distribution agencies supplies secured from military sources.

*d. Commanders having military government responsibility.*—Avoid unnecessary restrictions which will hinder movement of food to centers of population.

*e. Other services.*—(1) Provide appropriate supplies, e.g., the Quartermaster Corps might be required to procure and furnish seed potatoes to the military government units in a potato-growing region.

(2) Avoid requisitioning supplies or labor which are designated as essential for food production.

**36. INDUSTRY AND MANUFACTURE.**—Military governors supervise the application of measures to cause the operation of industry and manufactures to aid in accomplishment of national policies.

*a. Basic planning data for industry and manufacture include—*

(1) Surveys of basic and essential industries and manufactures of the country to be occupied.

(2) Surveys of war damage to basic and essential industries.

(3) Surveys of the availability and adequacy of remaining institutions, facilities, services, raw materials, supplies, and labor to enable necessary industrial production.

*b. Military government staff sections.*—(1) Determine for each of the essential industries of the area of a projected operation the following data:

(a) Requirements of materials and supplies from outside the area.

(b) Probable production in excess of local needs.

(c) Conditions which must exist to cause continued operation.

(2) Recommend measures to be taken to ensure production of desired products.

(3) Recommend schedules of supplies to be made available from outside the area.

*c. Military government units.*—Execute the plans and procedures promulgated by responsible commanders.

*d. Commanders having military government responsibility.*—Require combat troops to desist from unnecessary actions which would hinder industrial production.

*e. Other services.*—(1) Provide technical advice requested by military government units and staffs.

(2) Furnish to the military government personnel schedules of industrial installations, e.g., machine shops, to be used by the technical

services, and instructions as to assistance desired from military government units.

(3) Furnish supplies to military government units when directed by competent authority.

37. CIVILIAN TRANSPORTATION, CIVILIAN COMMUNICATIONS, AND PUBLIC UTILITIES.—Military governors supervise civilian transportation facilities, civilian communications, and public utilities which remain under or are returned to the control of the civil government or private civilian operators.

*a.* Basic planning data for civilian transportation, civilian communications, and other public utilities include—

(1) The location and capacity of key installations.

(2) The organization, powers, and functions of regulatory agencies.

(3) The organization, powers, and functions of administrative organizations.

(4) Probable extent of operation of civilian facilities by the technical services.

(5) Schedules of requirement of commercial agencies for facilities, services, and for manufacture of parts and supplies.

(6) Requirement for supplies and equipment from outside the country.

(7) Probable war damage.

*b. Military government staff sections.*—(1) During planning for an operation gather data on all civilian transportation facilities, civilian communications, and public utilities.

(2) Confer with technical services to determine what facilities will be operated by technical services for the direct use of the military services, e.g., the operation of railways by the theater military railway service.

(3) Determine what facilities must be operated for civilian use to further the mission of the commander concerned or to comply with prescribed policies.

(4) Recommend measures to ensure the effective allocation of transportation and other utilities for civilian use.

*c. Military government units.*—(1) Supervise police protection of essential facilities.

(2) Request from higher headquarters the allocation of supplies, e.g., fuel for local utilities operated by civilians.

(3) Requisition from military supply agencies necessary supplies and material otherwise unavailable.

(4) Recommend measures to be taken by higher echelons to further the accomplishment of approved policies.

(5) Assume supervision over facilities released from military control to civilian control.

(6) Maintain liaison between using military services and civilian managers of facilities, e.g., use of electrical power from a civilian-operated electric generating system.

*d. Commanders having military government responsibility.*—(1) Furnish military guards for essential facilities in accordance with predetermined policy or immediate necessity.

(2) Enforce policy concerning use of such facilities on all elements of their commands.

*e. Other services.*—(1) Assume control of facilities designated by appropriate commanders for military use and operate such facilities, e.g., operation of designated railroads by the theater military railway service.

(2) Make available materials, supplies, and equipment approved in accordance with established policies.

(3) Furnish technical advice and assistance to military government personnel upon request.

38. FINE ARTS, MONUMENTS, AND ARCHIVES.—Military governors cause fine arts, monuments, and archives in occupied territory to be preserved and protected.

*a. Basic planning data concerning fine arts, monuments and archives include:*

(1) Lists of individual objects of fine arts and monuments known or expected to be in the occupied territory, showing their location and the names of persons or organizations having possession of them.

(2) Lists of repositories of archives, museums of art, and collections of archives and objects of fine arts showing their locations and caretakers.

(3) Lists of known authorities on fine arts and of archives within the country.

*b. Military government staff sections.*—(1) Procure and reproduce the lists mentioned in subparagraph *a* above.

(2) Prepare directives and instructions concerning the treatment and protection of fine arts, monuments, and archives in the zone of action of the units of which the staff sections are a part.

(3) Advise commanders and other staff sections concerning fine arts, monuments, and archives uncovered or anticipated to be uncovered.

*c. Military government units.*—Fine arts, monuments, and archives teams attached to field army or higher headquarters seek out, identify, and make secure objects of fine art, monuments, and archives.

*d. Commanders having military government responsibility.*—(1) Publish directives and instructions concerning the care and protection of fine arts, monuments, and archives.

(2) Enforce observance of such directives by troops under their command.

*e. Other services.*—Furnish supplies and assistance to fine arts, monuments, and archives specialists as commanders may direct.

---

## Section VI

### PERSONNEL

39. PLANNING AND PROCUREMENT.—*a. Responsibility of Department of the Army.*—(1) The Military Government Division, Office of the Provost Marshal General, plans for mobilization and training of personnel in the zone of interior for assignment to military government units and staffs.

(2) The Army Field Forces and zone of interior army commanders prepare detailed plans for mobilization and training of military government units.

(3) In peacetime there are no military government schools as such. It is contemplated that military government schools and training centers will be established in the event of mobilization. In the meantime, training of personnel for units and staffs is accomplished in the established service schools.

(4) Military government staffs of division and higher headquarters are authorized by the Department of the Army as staff augmentation sections when required.

(5) Military government units are shipped to a theater in accordance with the theater troop requirements.

*b. Responsibility of commanders.*—Theater Army commanders estimate their requirements for military government units and functional specialists and requisition on the Department of the Army. Upon arrival such units and personnel are assigned to the theater military government command and are given additional training for specific areas in the theater. Units are attached to armies in sufficient time to meet their anticipated needs. The general principle followed is that military government activities are administered by specially trained military government units supported by the capabilities and special skills of the administrative and technical services. In the early part of the post-hostility phase, it may also be necessary to assign combat and service units to military government duty. Such units are relieved from that duty as soon as military government units are available to assume it.

40. TYPES AND QUALIFICATIONS.—*a. General.*—Military government personnel requirements are classified by *military occupation specialty*, each of which gives the general qualifications of the position. Position vacancies in units and staffs are normally filled by personnel having the required military occupation specialty classification. The personnel qualifications required by military government vary greatly. Many military govern-

ment positions are best filled by personnel qualified by civilian training and experience.

*b. Officers.*—Military government officers fill four types of positions:

(1) Staff section chiefs and deputies.—These officers should be experienced in military organization, tactics, and military staff procedures, and trained in military government principles, policies, organization.

(2) Functional specialists, army and higher headquarters.—Functional specialists must be highly qualified through education and experience in the supervision of such functions as public finance, public health, commerce, industry, agriculture, price control and rationing, public welfare, labor relation, and law, as enumerated in section V.

(3) Unit commanders and executives.—These positions are occupied by trained military government officers with knowledge of military organization, administrative procedures, and with command experience.

(4) Unit officers.—Junior officers assigned to military government units must have had military training and military government training sufficient to qualify them for the specific jobs to which they are assigned.

*c. Enlisted personnel.*—(1) Military administrative and service personnel.—Enlisted personnel assigned to purely military functions are selected by military occupation specialty classification. Such personnel receive military government training in military government units.

(2) Specialists.—Enlisted men of this category are selected on the basis of military and civilian background and training. After selection they are given specialized training in their functions at military government training installations.

41. SPECIAL TRAINING.—*a. In the zone of interior.*—In addition to military training and military government training, interpreter and translator personnel and selected military government officers should attend language schools to learn the languages of the areas to be occupied.

*b. In the theater of operations.*—In advance of an operation, all military government units should train with the army to which they will be attached during the operation. This training should include not only the military government aspects of the operation but also the necessary military training peculiar to the operation.

---

## Section VII

### PROCLAMATIONS, ORDINANCES, ORDERS, AND INSTRUCTIONS

42. INITIAL PROCLAMATIONS.—*a. Issuance.*—Although not mandatory under international law, the theater commander should issue to the inhabitants of the occupied territory a proclamation informing them of the fact of occupation, the extent of territory affected, and the obligations, liabilities, duties, and rights of the population under military government.

Generally, this proclamation will have been prepared in advance of the occupation. Where occupation of a large area is proceeding by stages, it is proper to state that the proclamation will be applicable in adjacent areas as they are occupied.

*b. Form and character.*—(1) The proclamation should be brief and in simple terms. It should be published as widely as possible in English and in the languages of the occupied areas. The translation should be colloquial, clear, and concise.

(2) The tone and character of the proclamation vary in different territories. Among the influencing factors which must be considered, but which are not included in the proclamation are the following:

(a) Military and political objectives to be attained in the occupied and other territories.

(b) Strategic situation.

(c) Existence or nonexistence of a recognized government on the ground or in exile.

(d) Composition and disposition of the occupying forces, whether United States or allied.

(e) Attitude of the inhabitants.

(f) Historical and psychological considerations.

(g) Extent to which military government control must be exercised in the particular territory.

(3) It is advisable to address the population of an enemy country firmly, but the language should not be vindictive. In liberated areas, the proclamation will be more friendly in character and may emphasize deliverance from a common enemy. A manifesto may also be issued by the legitimate government supporting the occupation, calling upon officials and other inhabitants to cooperate with, and to obey the rules laid down by, the commanders of the occupying forces.

*c. Contents.*—It is impracticable to outline the contents of proclamations for all types of occupations. In definitely hostile areas, however, the proclamation should cover the following points:

(1) Declaration of the occupation.—This is formal notice of the fact of occupation and of the extent of the area over which the armed forces assume jurisdiction.

(2) Purpose and policy of the occupation.—It may be advisable to include a statement as to the purpose and policy of the occupation. Political objectives should be included only pursuant to instructions from higher authority.

(3) Supremacy of military authority of occupying forces.—This is an essential prerequisite to the administration of any military government. It should be announced that a military governor has been appointed and that political ties with, and obligations to, the enemy government, if any, are sus-

pended. It should be announced that inhabitants will be required to obey orders of the theater commander and his subordinates and to abstain from all acts or words of hostility or disrespect to the occupying forces.

(4) Retention of laws and officials.—It should be announced that unless the military authority directs otherwise, local laws and customs will continue in force, local officials will continue in office, and officers and employees of all transportation and communications systems and of public utilities and other essential services will carry on with their regular tasks.

(5) Treatment of inhabitants.—Assurance should be given that persons who obey the instructions of the military authority have nothing to fear and will be duly protected in their persons, property, family rights, religion, and occupation; and that those who commit offenses will be severely punished.

(6) Resumption of usual occupations.—Inhabitants should be instructed that they must continue or resume their usual occupations, unless specifically directed to the contrary. They will assist in the maintenance of law and order and restoration of normal economic conditions.

(7) Detailed rules of conduct.—It is advisable to put the population on notice that further proclamations or ordinances will specify in detail what is required of the inhabitants.

*d. Publication.*—Proclamations may be published by posting, publication in newspapers, broadcasting, or any other practicable method available in the particular area.

43. SUBSEQUENT PROCLAMATIONS AND ORDINANCES.—*a. Issuance.*—As soon as practicable after the publication of the initial proclamation, the theater commander or his authorized subordinate issue a detailed set of rules regulating the conduct of the population. These rules may appear in the form of proclamations numbered in sequence with other proclamations, or as ordinances. Only essential ordinances should be published. The fullest advantage should be taken of established laws and customs. If it becomes necessary to publish an ordinance, its provisions should be carefully analyzed to determine its probable ramifications and its effect upon the civilian population.

*b. Form and character.*—Such proclamations or ordinances should inform the inhabitants what they may and may not do. Offenses should be clearly and simply stated. The population should be warned of the penalties which may be imposed for offenses and in what courts the offenders will be tried. It may be necessary to set forth a general prohibition against all subversive or hostile acts to cover offenses which may be specifically mentioned. Great care must be placed upon the interpretation of this general prohibition clause when charging persons with offenses under it, as such a clause will mean very little to the majority of the population and during a trial might be subject to broad interpretation by the courts. After several

convictions are obtained under authority of this clause for the same offense, and such convictions have been approved by the reviewing authority, that offense should be made the subject of a separate specific proclamation or ordinance. In this way all forbidden actions which might reasonably be foreseen or which have been pointed up by experience will be specifically enumerated, to serve as a guide to the courts and the population. The rules laid down in the initial proclamations and ordinances are primarily concerned with the maintenance of law and order and the security of the occupying forces. These proclamations and ordinances will be subject to subsequent amendments depending upon the change in the military and political situation, the reaction of the people to proclamations and ordinances previously issued, and the development of the people, their laws, customs, and institutions under military government. However, frequent changes should be avoided as they may be interpreted by the inhabitants as an indication of vacillation and weakness. Ordinances should contain no provisions which are not intended to be enforced or which cannot be enforced.

*c. Delegation of authority.*—The theater commander may delegate his power to issue proclamations or ordinances to subordinate commanders or military government officers. It is generally advisable that considerable authority be delegated to commanders having responsibility for military government. Ordinances of local application are signed in the name of the military governor.

*d. Publication.*—Publication may be made as in the case of initial proclamations. It may be advisable to publish them in the same manner in which legal notices were published prior to the occupation; or it may be advisable to create a new official publication devoted exclusively to activities of the military government. Proclamations and ordinances become effective when published or on a specified date.

44. ORDERS AND INSTRUCTIONS TO LOCAL CIVILIAN OFFICIALS.—Authority to issue detailed orders and instructions to local officials should be delegated to commanders having responsibility for military government. Except in emergencies, all orders and instructions issued to the local officials should be made by the officer responsible for military government control in the particular area. When local civilian supervisory officials issue orders to their subordinates, copies are furnished to the local military government officer.

## Section VIII

## MILITARY TRIBUNALS

45. GENERAL.—*a.* When an area is occupied the theater commander, or in the case of an allied operation, the supreme commander of the forces concerned, establishes the necessary military tribunals to enforce law and order. Military tribunals usually are not given jurisdiction over an indigenous population under the control of a friendly government unless such jurisdiction is required by military necessity. The theater commander, or the supreme commander, determines the number and types of courts, their jurisdiction and procedure.

*b.* Indigenous courts in occupied territory may be permitted to continue operation or may be closed and later reopened. The theater commander may limit the jurisdiction of such courts with respect to persons and classes of cases. He may suspend or abrogate laws and procedural rules which would hinder the accomplishment of his mission. By agreement the above right may also be exercised by the commander in a friendly occupied area. Criminal jurisdiction of the indigenous courts is limited to those violations of the laws of the occupied territory which do not affect the security or interest of the occupying forces, except that the commander may authorize indigenous courts to try cases involving violations of military government regulations.

*c.* War crimes cases, which would include violations of international conventions (1) outlawing aggressive war, (2) governing the conduct of hostilities and an occupation; or (3) regulating the treatment of prisoners of war, may be tried by international military tribunals created by international agreement, as well as by military commissions. Although military government tribunals may be given jurisdiction to try persons charged with war crimes, it is considered advisable to establish special courts for such trials.

46. TYPES OF MILITARY TRIBUNALS.—*a.* The types of courts formerly established by the United States forces in occupied areas for the trial of the indigenous population were military commissions and provost courts. Such courts are established by order of the military commander and their jurisdiction and procedure prescribed in military orders. Military commissions are usually composed of a minimum of five officers and provost courts of one officer. If possible, the provost court officer should have legal training.

*b.* The most recent type of court established for the trial of cases referred to in the preceding paragraph is the military government court. This type of court may be divided into three classes and its authority to impose sentences and fines is generally limited as indicated:

(1) General military courts, with authority to impose any lawful sentence including death.

(2) Intermediate military courts, with authority to impose any lawful sentence except death, imprisonment in excess of 10 years, or a fine in excess of \$10,000.

(3) Summary military courts, with authority to impose any lawful sentence except death, imprisonment in excess of 1 year, or a fine in excess of \$1,000.

The supreme commander normally delegates authority to appoint these courts to commanders having responsibility for military government. The jurisdiction of these military government courts, their composition, and procedure are usually prescribed in military government ordinances which have the effect of law. In the early phases of hostilities military government courts are composed of officer personnel only; after the cessation of hostilities, civilian lawyers may be authorized to serve as members of such courts. General military courts are usually composed of five members, intermediate military courts of three members, and summary military courts of one member. However, if sufficient personnel are not available, one officer may serve on the intermediate military court. It is advisable to have one member of a general or intermediate military court who is a lawyer. If possible, the summary court officer should have legal training.

c. Military government tribunals are not governed by the provisions of the Manual for Courts-Martial nor by the limitations imposed on courts-martial by the Articles of War. Experience has demonstrated that in administering justice in an occupied area, it is desirable to follow forms of judicial procedure which are generally similar to the forms of procedure to which the people are accustomed. Thus, in Europe after World War II, the rules governing procedure in military government courts incorporated features of continental practice. The rules of evidence employed permit the introduction of any evidence which is material or relevant to the issues. The limitations imposed by the Constitution of the United States upon the trial of criminal cases in this country do not apply to military government tribunals in occupied areas and the only limitations which need be considered in preparing procedural rules for such courts are that the accused should be assured of a fair hearing, that he should receive notice of the charges in advance of trial, be given an opportunity to prepare his defense, be granted the right of counsel, have the right to call witnesses in his own defense, and be permitted to cross-examine witnesses produced by the prosecution. Adequate provision should be made for the review or administrative examination of cases tried in military government tribunals by the staff of the military governor.

# MILITARY GOVERNMENT

## Appendix 1

### OUTLINE OF MILITARY GOVERNMENT PLAN

Maps:

Organization:

- a. Refer to appropriate organization of supported tactical commands and list military government units assigned or attached to such forces.
- b. Designate all military government units not included in *a* above.

#### 1. GENERAL SITUATION.

- a. *Enemy*.—Quote or refer to all data concerning the government, social structure and conditions, and economic structure and conditions applicable to military government.
- b. *Friendly*.—Policy prescribed by higher headquarters.—Quote or refer to all applicable documents.
- c. *Assumptions*.—Cite all assumptions concerning the enemy situation and our own policy until definite information and policy decisions are received.

#### 2. MISSION.—State exactly what is to be accomplished by the command concerned (by phases when phases are appropriate).

#### 3. POLICIES AND PROCEDURES.—*a*. Indorse policy directives of higher headquarters when the higher headquarters directives can be given to troops without further decisions or elaborations.

- b. Indorse policy directives of higher headquarters and add any decisions required by the headquarters concerned when this is feasible.
- c. Prepare complete policies and procedures when required.
- d. Types of military government to be employed (by phases where applicable).
- e. Delegation of specific authorities held by senior commanders, e.g., authority to appoint military government courts.
- f. *Specific functions*.—For each of the functions listed in C&GSC pamphlet, *Military Government*, section V, cite all pertinent documents and prepare all necessary directives.

#### 4. REPORTS.—Include who will make reports, the form, and the exact data

## MILITARY GOVERNMENT

to be included in the reports, when the report is to reach headquarters concerned, where the report is to be sent.

### Appendixes:

NOTE: This form can be used for an entire military government plan or for a single function. At the higher headquarters an entire volume or series of volumes may be published on a single subject. For example, on Public Health one might expect to develop:

A Public Health Handbook (Intelligence)

A Public Health Manual (Procedures)

A Public Health Directive (Policy)

A summary of policy for all functions would make up a Handbook of the Military Government for the guidance of higher commanders.

At lower levels it will normally be necessary only to direct the specific tasks to be accomplished by each subordinate commander involved so that the composite efforts of all subordinate commands will fit into the over-all effort.

